

**Before the  
Federal Communications Commission  
Washington, DC 20554**

<b>In the Matter of</b>	)	
	)	
<b>Federal-State Joint Board on Universal Service</b>	)	<b>CC Docket No. 96-45</b>
	)	
	)	

**REPLY COMMENTS OF  
CORR WIRELESS COMMUNICATIONS, LLC**

Corr Wireless Communications, LLC (“Corr Wireless” or “Company”) hereby submits these brief reply comments regarding the Federal-State Joint Board on Universal Service’s (“Joint Board” or “Board”) recommendation that the Federal Communications Commission (“FCC” or “Commission”) limit high cost support to “primary lines.”<sup>1</sup> Corr Wireless supports the vast majority of commenters in urging the Commission to reject this proposal. As numerous commenters have pointed out, not only is the Joint Board’s primary line proposal contrary to the competitive neutrality requirements of the Communications Act of 1934, as amended (“Act”),<sup>2</sup> it also is administratively unworkable.<sup>3</sup>

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<sup>1</sup> See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Recommended Decision*, , FCC 04J-1, ¶¶56-87 (rel. Feb. 27, 2004) (“*Recommended Decision*”); see also Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Notice of Proposed Rulemaking*, FCC 04-127, ¶¶3-4 (rel. June 8, 2004).

<sup>2</sup> See Comments of CTIA-The Wireless Association (“CTIA”) at 14-18; Comments of Dobson Cellular Systems, Inc. (“Dobson Cellular”) at 18-20; Comments of Nextel Communications, Inc. (“Nextel”) at 5-8; Comments of Rural Cellular Association and the Alliance of Rural CMRS Carriers (“RCA-ARC”) at 24-28; Comments of Sprint Corporation (“Sprint”) at 13-17; Comments of United States Cellular Corporation (“USCC”) at 44-48; Comments of Western Wireless Corporation (“Western Wireless”) at 19.

<sup>3</sup> See Comments of AT&T Wireless Services, Inc. (“AT&T Wireless”) at 2-3; Comments of CTIA at 18-21; Comments of Dobson Cellular at 20-2; Comments of Nextel Partners, Inc. (“Nextel Partners”) at 27-28; Comments of RCA-ARC at 24; Comments of Sprint at 18-20; Comments of USCC at 44.

Specifically, the Joint Board’s proposal is not competitive neutral because it does not equitably distribute the affects of a primary line restriction to both incumbent and competitive carriers. Instead, the Board’s primary line proposal would preserve the current high cost support of rural incumbent local exchange carriers (“ILECs”), while at the same time allow the high cost support received by competitive eligible telecommunications carriers (“ETCs”) to be reduced.<sup>4</sup> Corr Wireless concurs with commenters that the implementation of such a discriminatory policy cannot be justified by Commission.<sup>5</sup> Indeed, as numerous commenters have explained, the Joint Board’s proposal clearly favors rural ILECs over competitors in contravention of the competitive neutrality requirements of the Act.<sup>6</sup> Like many other commenters, Corr Wireless does not oppose the Joint Board’s goal of limiting the growth of the high cost fund, but strongly agrees that any reform policies must address growth from *all* high cost recipients, including rural ILECs, rather than focus on competitive ETCs who, in fact, account for only a small portion (merely 7%) of high cost fund support disbursements.<sup>7</sup>

Furthermore, Corr Wireless concurs with commenters that the Joint Board’s primary line proposal presents insurmountable administrative burdens that would only serve to “waste valuable support dollars that could be better spent delivering services at lower prices.”<sup>8</sup> Notably, the Joint Board itself offers no specific administrative recommendations or details on how its

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<sup>4</sup> See *Recommended Decision* at ¶¶75-80.

<sup>5</sup> See Comments of CTIA at 14-18; Comments of Dobson Cellular at 18-20; Comments of Nextel at 5-8; Comments of RCA-ARC at 24-28; Comments of Sprint at 13-17; Comments of USCC at 44-48; Comments of Western Wireless at 19.

<sup>6</sup> See Comments of CTIA at 14-18; Comments of Dobson Cellular at 18-20; Comments of Nextel at 5-8; Comments of RCA-ARC at 24-28; Comments of Sprint at 13-17; Comments of USCC at 45-48; Comments of Western Wireless at 18-19.

<sup>7</sup> See Comments of CTIA at 6-8; Comments of Dobson Cellular at 27-28; Comments of Nextel at 9-10; Comments of RCA-ARC at 25; Comments of Sprint at 15.

primary line proposal could be implemented, nor does it provide any basis for its “belief” that the significant administrative hurdles inherent in its proposal can be adequately resolved.<sup>9</sup> Rather, as explained by several commenters, the administrative hurdles that the Commission would need to address in implementation of primary line restriction are both vast and complex in scope, from the creation of workable definition for “household,” to the establishment of primary line balloting that does not discriminating in favor of lines provided by incumbent carriers.<sup>10</sup> New monitoring and enforcement processes also would need to be established to address “consumer gaming” and a new type of carrier “slamming” that inevitably would result from the Board’s primary line proposal.<sup>11</sup> Likewise, as CTIA mentioned, a primary line system would “invite significantly more waste, fraud and abuse” in the universal service programs at a time when the Commission and the Universal Service Administrative Company (“USAC”) are attempting to tackle those issues within the existing universal service programs.<sup>12</sup>

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<sup>8</sup> See Comments of RCA-ARC at 24; *see also* Comments of AT&T Wireless at 2-3; Comments of CTIA at 18-21; Comments of Dobson Cellular at 20-21; Comments of Nextel Partners at 27-28; Comments of Sprint at 18-20; Comments of USCC at 44.

<sup>9</sup> *Recommended Decision* at ¶¶81-83; .

<sup>10</sup> See Comments of AT&T Wireless at 2-3; Comments of CTIA at 18-21; Comments of Dobson Cellular at 20-2; Comments of Nextel Partners at 27-28; Comments of RCA-ARC at 24; Comments of Sprint at 18-20; Comments of USCC at 44.

<sup>11</sup> See Comments of AT&T Wireless at 2; Comments of RCA-ARC at 24; Comments of Sprint at 19; Comments of USCC at 44.

<sup>12</sup> See Comments of CTIA at 21.

Moreover, Corr Wireless, like a majority of commenters in this proceeding, strongly urges the Commission to reject the Joint Board's primary line proposal. By preserving the existing high cost support provided to rural ILECs, the Board's primary line proposal clearly favors rural ILECs over competitive ETCs in contravention of the competitive neutrality requirements of the Act . There is no rational basis upon which the Commission could justify the implementation of such a discriminatory policy involving so many administrative hurdles. Along with many other commenters, Corr Wireless submits that high cost universal service reform policies must address growth from *all* high cost recipients -- *including rural ILECs* – instead of focusing on competitive ETCs whose support accounts for only a small portion of disbursements within the high cost fund.

Respectfully submitted,

/s/ Tom Buchanan\_\_\_\_\_

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## CERTIFICATE OF SERVICE

I, Tom Buchanan, hereby certify that on this 21st day of September, 2004, a true and correct copy of the foregoing *Reply Comments of Corr Wireless Communications, LLC* was served via First Class Mail, U.S. postage prepaid, on the following parties:

Sheryl Todd **(3 Copies)**  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
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/s/ Tom Buchanan

Tom Buchanan